

FILED 10 SEP 1 15 37 USC ORN

Tamie Richardson
746 Bailey Drive
Grants Pass OR 97527

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Tamie Richardson

Plaintiff,

vs.

First Horizon Home Loan Corp
Defendant

Case # **CIV10-3073** -CL

**PETITION FOR NO ANSWER
DEFAULT**

(Hon Owen M Panner)

PARTIES

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

Plaintiff asks the court clerk to enter a default against defendant, as authorized by **Fed. R. Civ. P. 55.**

A. Introduction

1. Plaintiff is: Tamie Richardson, 746 Bailey Drive, Grants Pass OR 97527, and defendant is: First Horizon Home Loan Corp, 4949 Meadows Road, Suite 350, Lake Oswego, OR 97035.

2. On August 9, 2010, plaintiff sued defendant for breach of fiduciary duty, fraud, fraud by nondisclosure, and violations of various consumer protection laws.

3. On August 9, 2010, plaintiff filed with the court an ORIGINAL COMPLAINT. On August 10, 2010, defendant was served with a summons and a copy of plaintiff's complaint by and through NW Process Service, LLC, 7420 SW Hunziker Street, Suite C, Tigard, OR 97223. A copy of the return of service is attached as Exhibit A. Defendant did not file a responsive pleading or otherwise defend the suit.

4. Plaintiff is entitled to entry of default.

B. Argument

5. The court clerk may enter a default against a party who has not filed a responsive pleading or otherwise defended the suit. **Fed. R. Civ. P. 55(a)**; *see United States v. \$23,000 in U.S. Currency*, 356 F.3d 157, 163 (1st Cir. 2004); *N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996); *United States v. 51 Pieces of Real Prop. Roswell, N.M.*, 17 F.3d 1306, 1314 (10th Cir. 1994).

6. The clerk should enter a default against defendant because defendant did not file an answer within 21 days after August 10, 2010, the date of service. **Fed. R. Civ. P. 12(a)(1)(A)(i)**.

7. Plaintiff meets the procedural requirements for obtaining an entry of default from the clerk as demonstrated by Floyd G Bennett's sworn affidavit, attached as Exhibit A. Said affidavit establishes by sworn testimony of Plaintiff that Defendant failed to answer or otherwise defend the instant action within the 21 day time period allowed by law.

8. Defendant is not a minor or an incompetent person. *See Fed. R. Civ. P. 55(b)(1)*.

9. Defendant is not in military service. *See 50 U.S.C. app. §521(b)(2)*.

10. Because defendant did not file a responsive pleading or otherwise defend the suit, defendant is not entitled to notice of entry of default. *Haw. Carpenters' Trust Funds v. Stone*, 794 F.2d 508, 512 (9th Cir. 1986); *see Fed. R. Civ. P. 55(a)*.

C. Conclusion

11. Plaintiff filed a suit against defendant in the court on the 9th day of August, 2010. Defendant failed to timely answer or otherwise defend said action and, thereby, Plaintiff is entitled to judgment against defendant is all things requested by Plaintiff in the suit. For these reasons, plaintiff asks the clerk to enter a default in favor of plaintiff.


Respectfully Submitted,


Tamie Richardson

VERIFICATION


I, **Tamie Richardson**, do swear and affirm that all statements made herein are true and accurate,
in all respects, to the best of my knowledge.

Tamie Richardson
746 Bailey Drive
Grants Pass OR 97527


Tamie Richardson

Subscribed and sworn to be before me this 15th day of Sept., 2010, a
notary public, **TAMIE RICHARDSON**, known to be the persons whose name is subscribed to
this instrument, and acknowledge that she executed the same for the purposes contained therein.

In witness hereof, I hereunto set my hand and official seal.


**NOTARY PUBLIC IN AND FOR
THE STATE OF OREGON**



CERTIFICATE OF SERVICE

I, **Tamie Richardson**, do swear and affirm that I have served a signed copy of this Petition for No Answer Default, and Order for No Answer Default to any and all defendants by way of U.S.P.S. Certified mail # 7010 6290 0000 8795 6730 and return receipt.

Tamie Richardson
746 Bailey Drive
Grants Pass OR 97527

The Person above, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged to me that she executed the same in her authorized capacity and that by her signature on this instrument who is the person who executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Teri Williams

**NOTARY PUBLIC IN AND FOR
THE STATE OF OREGON**

Notary Seal

Exhibit A

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
District of OREGON**

Case Number: 10-3073-CL

**PLAINTIFF:
TAMIE RICHARDSON**

vs

**DEFENDANT:
FIRST HORIZON HOME LOAN CORPORATION**

Received by NW Process Service, L.L.C. on the 10th day of August, 2010 at 12:50 pm to be served on First Horizon Home Loan Corporation c/o CT Corporation Systems, Registered Agent, 388 State Street #420, Salem, OR 97301.

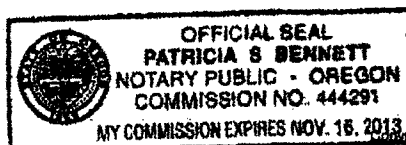
I, Floyd G. Bennett, being duly sworn, depose and say that on the 10th day of August, 2010 at 1:48 pm, I:

Served First Horizon Home Loan Corporation c/o CT Corporation Systems, Registered Agent by delivering a true copy of the Summons in a Civil Action and Original Petition; Civil Cover Sheet, to Patty McGriff, Service of Process Technician, the person in charge of the office of the Registered Agent at 388 State Street #420, Salem, OR 97301

I certify that I was and now am a competent person over the age of 18 years and a resident of the State of Oregon. I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise, and know that the person, firm or corporation served is the identical one named in the action.

Subscribed and Sworn to before me on the 10th day of August, 2010 by the affiant who is personally known to me.

Patricia S. Bennett
NOTARY PUBLIC



A handwritten signature in black ink, appearing to read 'Floyd G. Bennett', written over a horizontal line.

Floyd G. Bennett
Process Server

NW Process Service, L.L.C.
7420 SW HUNZIKER ST, SUITE C
TIGARD, OR 97223
(503) 597-0519

Our Job Serial Number: 2010003288
Ref: 099119